



Legal Migration Fitness Check

Evidence base for practical
implementation

Member State summary

Lithuania

Annex 2 LT

Written by ICF Consulting Services
Limited

June 2018



LEGAL NOTICE

Appendix to Annex 2 of "Legal Migration Fitness Check Final evaluation report - Supporting study", ICF Consulting Services Limited (2018).

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Luxembourg: Publications Office of the European Union, **2019**

ISBN 978-92-76-01374-7

doi: 10.2837/330007

Catalogue number : DR-01-19-269-EN-N

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Introduction

This document provides an overview of the legal and practical implementation of EU legal migration acquis in **Lithuania**. The legal and practical implementation study is structured according to the eight steps – ‘phases’ of the migration process from the perspective of the migrant¹ for the following Directives and their respective national equivalent schemes, presented in the table below.

Directive	FRD (Family Reunification Directive 2003/86/EC)	LTR (Long Term Residency Directive 2003/109/EC)	SD (Students Directive 2004/114/EC)	RD (Research ers Directive 2005/71/EC)	BCD (Blue Card Directive 2009/50/EC)	SPD (Single Permit Directive 2011/98/EU)
National parallel scheme		According to the Law on the Legal Status of Aliens, Para 1 of Article 53 permanent residence permits are also issued if: 1) the foreigner has retained the right to citizenship of the Republic of Lithuania according to the procedure established by the Republic of Lithuania Law on Citizenship; 2) the	Law on the Legal Status of Aliens No IX-2206, Art. 46 (1)(4) According to the Law on Legal status of Aliens, the temporary residence permit is also issued for a foreigner who is invited to science and study institution to improve his qualification .	Law on the Legal Status of Aliens No IX-2206, Art. 49 ² According to the Law on Legal status of Aliens, the temporary residence permit is also granted to lecturers.	Law on the Legal Status of Aliens No IX-2206, Art. 45 According to the Law on Legal status of Aliens, the temporary residence permit is also issued for: 1) athletes, coaches; 2) journalists 3) performers 4) business participants 5) foreigners who plan to engage in lawful	

¹ . See ref document (EU summary) Under each phase, the following aspects are examined : :
Legal transposition of the EU legal migration acquis: including whether the MS has overall complied with the transposition of the relevant EU acquis in the respective phase and whether these non-compliance issues affect the practical application of the Directive;
Practical application of the EU legal migration acquis: overview of the main application issues/problems arising in the MS per each of the migration phases;
Differences between national statuses and the EU legal migration acquis: substantial differences at the level of legislation and practical implementation between the EU legal migration Directives and their national equivalents (where these exist).

<p>foreigner is a person of Lithuanian descent;</p> <p>3) the foreigner has entered the Republic of Lithuania for residence together with a citizen of the Republic of Lithuania as his/her family member;</p> <p>4) the foreigner has lost citizenship of the Republic of Lithuania but resides in the Republic of Lithuania;</p> <p>5) the foreigner is a child under the age of 18, born in the Republic of Lithuania and his/her parents or one of the parents are citizens of the Republic of Lithuania whose place of residence has been declared in the Republic of Lithuania or who hold a permanent residence permit;</p>	<p>activities related to new technologies or other innovations important for development of Lithuanian economy or social sphere.</p>
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6) the foreigner, was settled in the Republic of Lithuania before 1 July 1993 and are residing here at the moment.

It should be noted that concept 'permanent residence permit' is used to refer to 'long-term residence permit' these concepts are used as synonyms. However in the permanent residence permits, which are issued to foreigners, who were not living in Lithuania (or EU) at least 5 years, is not written "long-term resident - EU".

Options implemented?

Pupil
Trainee
Volunteer

Main differences between EU statuses and the respective national parallel schemes

As indicated above Lithuania has equivalent national statuses with the LTR, SD, RD, and BCD. The main differences include:

Compared to the BCD Directive, national legislation also issues a Blue Card permit to additional categories of third-country nationals such as athletes, coaches, journalists, performers, business participants and third-country nationals planning to engage in lawful activities related to new technologies or other innovations important for development of Lithuanian economy or social sphere. Compared to BCD, there is no salary threshold. The duration of the residence permit also differs – residence permit is issued for 2 years or for the duration of activity, if it takes less than 2 years.

Compared to the SD directive, the temporary residence permit is also issued for a foreigner who is invited to science and study institution to improve his/her qualification.

Compared to the RD Directive, the temporary residence permit is also granted for the lecturers. Lecturers as such are not covered by the RD, because they may not necessarily conduct research. Although directive allows researchers to work as lecturers during their research time.

In addition to the EU LTR status, national Lithuanian legislation also issues a permanent residence permits to third-country nationals who have retained the right to citizenship of the Republic of Lithuania according to the procedure established by the Republic of Lithuania Law on Citizenship; who are a person of Lithuanian descent; who entered Lithuania for residence together with a citizen of the Republic of Lithuania as his/her family member; who lost citizenship of the Republic of Lithuania but reside in the Republic of Lithuania; who has a child under the age of 18, born in the Republic of Lithuania and his/her parents or one of the parents are citizens of the Republic of Lithuania whose place of residence has been declared in the Republic of Lithuania or who hold a permanent residence permit; who settled in the Republic of Lithuania before 1 July 1993 and are residing here at the moment. It should be noted that the concept of 'permanent residence permit' is used to refer to 'long-term residence permit' and these concepts are used interchangeably. However, the inscription of 'long-term resident – EU' is absent from permanent residence permits issued to foreigners who were residing in Lithuania (or EU) less than 5 years. Also these TCNs do not need to submit evidence that they have passed Lithuanian language and Constitution exams.

1 Pre-application phase

1.1 Legal transposition of the EU legal migration acquis

Lithuania has transposed most of the related pre-application phase directives' provisions into its legislation. There is a conformity issue with regard to the transposition of Art. 7(2), third subparagraph of LTR, which is not transposed into Lithuanian law; there is no obligation to inform long-term residents about their rights under LTR.² In practice this information is not provided either in the decision granting long-term residence status, or on the website of the Migration Department.

1.2 Practical application of the EU legal migration acquis

As shown in the tables below, there is a lot of information available on legal migration into Lithuania.

Directive	FRD (Family Term)	LTR (Long Term)	SD (Students)	RD (Research)	BCD (Blue Card)	SPD (Single)
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² NB: Art. 7(2) of the LTR is not transposed by the Art. 5(3) of the Law on the Right to Obtain Information from State and Municipal Institutions and Agencies. Art. 7(2) stipulates that, the person concerned also shall be informed about his/her rights and obligations under the LTR. Art. 5(3) stipulates that all information about the institution's activity for the applicants is provided without charge. This does not transpose directive's provision.

	Reunification Directive 2003/86/EC)	Residency Directive 2003/109/EC)	Directive 2004/114/EC)	ers Directive 2005/71/EC)	Directive 2009/50/EC)	Permit Directive 2011/98/EU)
Languages	National language (s) English Russian					
The information is easy to find*	2	2	2	2	2	2

* 1: Strongly agree; 2: Agree; 3: Neither agree/nor disagree; 4. Disagree; 5. Strongly disagree

Information can be found on the following aspects of the application procedure:

Application procedure	Conditions for admission	Entry requirements (e.g. visa etc.)	Cost of application	Applicable deadlines	Rights upon admission	Any differences between the Directives
Yes	Yes	Yes	Yes	Yes	Yes	No information for RD on: Cost of application. No information for FRD, LTR, SPD on: Rights upon admission.

Information upon request

Information on the application process can be obtained upon request by third-country nationals. National legislation provides that every national institution must provide consultations and information in the field of their competence for the persons. On the issues of immigration, consultations might be provided by:

- The Migration Department is providing information regarding residence permits (on what grounds permits may be issued, which documents should be submitted and where, about period of processing of applications). This information may be provided in written, when a person submits written request, via an online consultation or via phone.
- In third countries – diplomatic missions and consular posts abroad are providing information regarding residence permits and visas. Information may be provided in written, when a person submits written request, or via e-mail consultation.

In addition of the above, according to the Article 5(3) of the Law on the Right to Obtain Information from State and Municipal Institutions and Agencies, every person has a right to get information from state institutions. Based on this provision, every person may directly approach the Migration Department requesting information on migration procedures.

1.3 Differences between national statuses and the EU legal migration acquis

As all the national statuses equivalent to BCD are covered by the same temporary residence permit, although issued on different grounds, there are no substantial differences at the level of national legislation between the EU legal migration Directives and these national equivalents. All the information about all other equivalent statuses is provided at the same above-mentioned sources.

2 Preparation phase

2.1 Legal transposition of the EU legal migration acquis

Lithuania had transposed most of preparation phase related provisions into its legislation. Lithuania has opted for the derogation concerning BCD Art. 15 provisions on family members and did not transpose it into national legislation. Transposition of the following provisions of the SD and FRD may raise some concerns:

As regards SD Art. 7 on specific conditions for students, the provision on automatic qualification for sickness insurance as a result of enrolment is not transposed because students upon the enrolment at an establishment in Lithuania do not automatically gain the sickness insurance.

SD Art. 9 provisions on specific conditions for school pupils are not transposed into Lithuanian legislation. Temporary residence permit may be granted only for pupils enrolled into educational institution on a regular basis. But this does not hamper the transposition and application of SD, as, according to it, Member States have discretion to apply its provisions to pupils participating in exchange programmes.

As regards SD Art. 10 provisions on specific conditions for unremunerated trainees, only trainees invited by educational establishment or science and study institution are covered by national legislation.

Of SD Art.11 on specific conditions for volunteers, the following requirements are not transposed: adequate age, to provide evidence that the organisation is responsible for the voluntary service scheme. Requirement to produce an agreement with the organization responsible in the Member State concerned for the voluntary service scheme in which he/she is participating is transposed partially, as national legislation requires to provide only a mediation document of the accepting (inviting) company and a document confirming that a person is a participant of volunteer programmes sponsored by the European Union or its Member States. Lithuania has opted not to transpose the requirement to receive a basic introduction to the language, history and political and social structures of the Member State.

Article 11(2) of FRD seems not to be transposed into Lithuanian law. National legislation establishes that the documents certifying family relations shall be submitted with an application for residence permit and there are no exceptions for refugee family members.

Transposition of Article 15(1) of FRD may rise concerns. While according to the Aliens' Law, the TCN may be granted a long-term residence permit, if he/she was living continuously in Lithuania for five years having temporary residence permit (as all other TCNs who were living legally and continuously for 5 years). Therefore, if TCN, who is a family member, wants to get an autonomous residence permit, he/she must have 5 temporary residence permits in a row without any interruption. However, the FRD does not require for the residence in Latvia to be continuous.

2.2 Practical application of the EU legal migration acquis

Depending on the legal status applied for, the application procedure can be a single application procedure or entail multiple applications. Applicants for a SD, RD and BCD permit submit only one application for a temporary residence permit. If they need a

visa to enter Lithuania, they will also have to submit a separate application for such a visa.

Applicants for family reunification must submit an application for residence permit and another one for an entry visa if necessary.

Practical issues in this phase stem from the submission of an application. For example, if the competent authority receiving the application does not accept it (e.g. because required documents are not attached), no written document (confirmation) about this refusal to accept the application is issued or delivered to the applicant. Another example relates to the documentary evidence that a third-country national has to submit – these are not substantially regulated in the legislation and national authorities retain a certain margin of discretion in interpreting the general requirements set in the legislation, thus requiring additional documents to accept the application.

Ease of the application procedure:

Step	FRD	LTR	SD	RD	BCD	SPD
The information that applicants need to complete is not extensive	3	3	3	3	3	3
The application form is user-friendly	3	3	4	4	4	4

Key information/ documents required:

Type of information	FRD	LTR	SD	RD	BCD
Family ties	Yes, T, C, R				
Continuous legal residence		Yes, T, C, R			
Sufficient resources	Yes, T, C, R	Yes, T, C, R	Yes, T, C, R (students) Yes, T, C, R (trainees)	Yes, T, C, R	
Accommodation/Address in territory	Yes, T, C, R				Yes, T, C, R
Sickness insurance	Yes, T, C, R	No	Yes, T, C, R	Yes, T, C, R	Yes, T, C, R
Work contract (for RD host agreement)				Yes, T, C, R	Yes, T, C, R
Minimum salary threshold (monthly)	EUR 400	EUR 400	EUR 400	EUR 400	
Professional qualifications				No	
(Pre-) Integration	No	Yes, T, C,			

measures	R				
Pre-departure conditions	No (students) No (trainees) No (volunteers)				
Proof no threat to public	Yes, T, C, R	Yes, T, C, R	Yes, T, C, R	Yes, T, C, R	Yes, T, C, R
Medical examination certificate	No		No	No	No
Valid travel document			Yes, T, C, R	Yes, T, C, R	Yes, T, C, R
Entry visa					No, T, C, R
Other	Yes, T, C, R	Yes, T, C, R	Yes, T, C, R	Yes, T, C, R	Yes, T, C, R

Note: T = Translation; C = Certified, R = Requirement, i.e. without this proof the application cannot be lodged.

2.3 Differences between national statuses and the EU legal migration acquis

As all the national statuses equivalent to BCD are covered by the same temporary residence permit, although issued on different grounds, there are no substantial differences at the level of legislation between the EU legal migration Directives and these national equivalents. In practice, the application of the provisions does not differ; slightly different application documents for temporary residence permit must be provided – journalists must provide a mediation document of the inviting company, an accreditation card; Athletes and coaches - a mediation document of the inviting company, a copy of the sporting activities contract; Performers - documents substantiating the issue of the temporary residence permit (A mediation document of the inviting company, a document confirming that you are a performer who comes to the Republic of Lithuania to carry out performer activities (e.g., a contract)).

In general, the same rights and conditions for lecturers as for other persons as under SD directive are provided.

The difference between national long-term resident status and EU long-term resident status is the condition of continuous residence within the Member State for five years is not applied to national status and these residence permits are issued on other grounds.

3 Application phase

3.1 Legal transposition of the EU legal migration acquis

Lithuania had transposed all related application phase directives' provisions into its legislation. While BCD Art. 10 (2) on the applications for admission is fully transposed into Lithuanian legislation, Lithuania did not choose to transpose the derogations mentioned in para 3-4 of this Article. Also, SPD Art 1(1(a)) on the subject matter is not literally transposed into Lithuanian legislation as the provision does not contain any specific obligations for the Member States, but is fully implemented by the national legislation transposing other articles of SPD.

The implementation of Art 4(1) of SPD raises some concerns. The Lithuanian legal system does not provide for a specific procedure to issue the single permit in general, there is no single application procedure – a temporary residence permit for the purpose of work, which entitles the alien both to the right to reside and to work, is issued to a third-country national. In parallel, the employer has to register a vacancy with the territorial labour exchange office and submit the special form of request to adopt a decision on the alien’s employment compliance with the Lithuanian needs of the labour market. Consequently, the permit’s adoption phase is followed by the formalisation phase, when the temporary residence permit for the purpose of work, which is adopted as a single administrative act through a two-step procedure, is issued without any additional documents and handed in to TCN.

3.2 Practical application of the EU legal migration acquis

In Lithuania, third-country nationals have to lodge an application for a residence permit in the diplomatic mission or consulate located in the capital of the country of their residence. In general, they have to apply in person. The applicant has to be present at least once in the diplomatic mission or consulate. The application has to be submitted in person, online applications are not possible. All application forms are available on the websites of diplomatic missions and consulates (and the Migration Directorate).

After lodging his/her application, the Migration Department is the competent authority to examine and take decisions on an application. A third-country national is informed about a decision in writing via post or in writing via email that are indicated in the application form. In case his/her application was submitted from a third country (in a consular post or diplomatic mission) then the decision is handed in person at that consular post. Once a decision on the application is taken, national legislation provides the applicant is informed about the decision by email within 2 days (if decision is positive) or within 3 days (if decision is negative). If decision is negative and applicant does not arrive to the consular institution within a month to collect it, then the decision is sent him/her by post.

In case of a rejection of the application, the reasons for the rejection are provided in writing and in Lithuanian.

Where the applicant is the employer, the third country national is involved in the application process as after the decision to grant temporary residence is taken, the third-country national has to present him/herself to national authorities to finish the process to obtain the temporary permit.

The concept of administrative silence does not exist in Lithuanian legislation.

Directive	General	FRD	LTR	SD	RD	BCD	SPD
Application from third country		Yes	No	Yes	Yes	Yes	Yes
Permit received in third country		No	No	Yes	Yes	Yes	Yes
Number of authorities involved in the application		3	3	4	4	4	4
Number of authorities involved in the issuance of the	3						

residence permit	
Application modalities	In person
Existence of a standard application form for all statuses	Standardised
Language of the application form	National language(s) English Russian
Fees charged	EUR 86 (if urgent procedure : EUR 172) 43 EUR (86 EUR for urgent procedure)
Other fees charged?	No
Fees charged for permit issuance	Yes – a fee for processing the temporary residence permit : EUR 28 (if urgent: EUR 56)
Fees charged for renewal / replacement of the permit	Same fees as for first issuance of a permit: EUR 86 (if urgent procedure : EUR 172) + fees for the processing of the temporary residence permit: EUR 28 (EUR 56 if

urgent
procedure
)

The processing times are as follows:

Directive	FRD	LTR	SD	RD	BCD	SPD
Processing time /deadlines (according to law)	61-122	61-122	61-122	61-122	61-122	61-122
Processing time (in practice)	61-122	61-122	61-122	61-122	61-122	61-122

3.3 Differences between national statuses and the EU legal migration acquis

In practice, slightly different documents applying for the temporary residence permit under national statuses must be provided. For example, for national statuses of the BCD, journalists must provide a mediation document of the inviting company, an accreditation card; Athletes and coaches - a mediation document of the inviting company, a copy of the sporting activities contract; Performers - documents substantiating the issue of the temporary residence permit (A mediation document of the inviting company, a document confirming that you are a performer who comes to the Republic of Lithuania to carry out performer activities (e.g., a contract)). Minimum salary threshold is the same and not differentiated per nationality or sector. It is EUR 400 per month as of 2018.

4 Entry and travel phase

4.1 Legal transposition of the EU legal migration acquis

Lithuania had transposed all related entry and travel phase directives' provisions into its legislation. However, transposition issues are to be highlighted regarding the transposition of:

- BCD Art. 10 (1) on applications for admission: Lithuania has opted only for the TCN option.

4.2 Practical application of the EU legal migration acquis

Before entering Lithuania, applicants for a BCD, SD and RD permit, who are not yet in the possession of a residence permit, need to have an entry visa first. National legislation has not set a specific timeframe for issuing the latter. In practice, application for such a visa is possible only after the decision to grant temporary residence permit is taken. In contrast, applicants for family reunification permit are issued a single entry national visa within 15 days of the submission of application for an entry visa.

Where the employer is the main applicant, both the employer and the third-country national can request the entry visa.

Lithuania allows country nationals who hold a valid permit and valid travel document to enter and re-enter their national territory only on the basis of the permit. A third-country national has to declare his/her departure from Lithuania to national authorities if it exceeds a period of six months.

A third-country national is allowed to travel to other Schengen Member States only on the basis of the permit and valid travel document.

Lithuania does not impose specific entry requirements to third-country nationals of a visa free country.

Third-country nationals do not encounter any obstacles in practice to leave the third country, transit and/or enter Lithuania.

Upon arrival in Lithuania, third-country nationals are required to register only with the local authority of their place of residence.

4.3 Differences between national statuses and the EU legal migration acquis

There are no differences noted.

5 Post-application phase

5.1 Legal transposition of the EU legal migration acquis

Lithuania had transposed all related post-application phase directives' provisions into its legislation. According to Lithuanian legislation, temporary residence permit for study purposes covers only pupils enrolled to study in educational institutions according to common study programmes and only trainees enrolled to scientific or academic institutions. However, this does not hamper the application of SD in Lithuania, as, according to SD, Member States have discretion to apply it for the purpose of pupil exchange or unremunerated training.

Some transposition issues might be raised concerning the following provisions of SD. SD Art. 14 on residence permit issued to unremunerated trainees is not fully transposed as according to the Aliens' Law, temporary residence permit is granted only for trainees admitted to the Educational establishment or science and studies institution, or invited to improve qualifications.

5.2 Practical application of the EU legal migration acquis

Directive	FRD	LTR	SD	RD	BCD	SPD
Minimum validity of the first permit (months)	-	-	-	-	-	-
Maximum validity of first permit (months)	12	60	24	24	36	24
Minimum validity of permit renewal (months)	-	-	-	-	-	-
Maximum validity of permit renewal (months)	24	60	6	0	12	24

Lithuania has set a timeframe to deliver the permit following the notification of the decision: a temporary and permanent residence permit is processed on a general basis within 10 business days and on an urgent basis within 5 business days. In practice, these timeframes are respected by national authorities.

Where the employer is the main applicant, he/she is not involved in the delivery of the permit.

5.3 Differences between national statuses and the EU legal migration acquis

As all the national statuses equivalent to BCD are covered by the same temporary residence permit, although issued on different grounds, there are no substantial differences at the level of legislation between the EU legal migration directives and these national equivalents. In practice, the application of the provisions does not differ; In general, quite the same rights and conditions are provided.

However, some differences exist with regard to permanent residence permits issued also to other categories of third-country nationals who do not fulfil the requirements of the EU long-term residence scheme (they have no obligation to live in Lithuania continuously for at least five years) and these residence permits do not have indication "long-term resident-EU" on their permits.

6 Residency phase

6.1 Legal transposition of the EU legal migration acquis

Lithuania had transposed most of the residency phase related directives' provisions into its legislation. BCD Art. 9(2) on withdrawal or non-renewal of the EU Blue Card is not explicitly transposed into Lithuanian legislation, but the lack of an explicit transposition does not give rise to any issue of conformity due to the application of general rules. However, some concerns might be raised regarding the following provisions of SD, RD, BCD, LTR and FRD:

SD Art. 14 on residence permit issued to unremunerated trainees - temporary residence permit covers only trainees accepted to scientific or academic institutions.

RD Art. 5 (6) on approval - Lithuania has only general procedure in place for accrediting educational/research institutions that is not specific to the RD. Thus the provision is not literally transposed into Lithuanian legislation.

Lithuania has not explicitly transposed Art. 6(2), second subparagraph and Art. 6(3) of the FRD. National legislation establishes that the alien shall be refused the issuance or replacement of a residence permit if his/her residence in the Republic of Lithuania may constitute a threat to national security, public policy or public health. Also national legislation provides that a residence permit will be withdrawn when a third-country national's residence in Lithuania constitutes a threat to national security, public policy or public health. However, no provisions specify that the severity or type of offence against public policy or public security committed by the family member, or the dangers that are emanating from such person shall be taken into account when taking a decision on a residence permit. Also, there are no provisions national legislation which would require the authorities to take due account of the nature and solidity of the person's family relationships and the duration of his residence in the state and the existence of family, cultural and social ties with his/her country of origin when they reject an application, withdraw or refuse to renew a residence permit as it is established in Art. 17 of FRD. Also none of the articles provide that renewal of the residence permit may not be withheld and removal from the territory may not be ordered on the sole ground of illness or disability suffered after the issue of the residence permit.

Art. 6(1), second subparagraph of LTR is not transposed into Lithuanian law. None of the national laws establish an obligation to consider the severity or type of offence against public policy or public security, or the danger that emanates from the person concerned, while also having proper regard to the duration of residence and to the existence of links with the country of residence.

As Lithuania has chosen to transpose Art. 18 of LTR (to refuse to grant residence permit to long-term residents and their family members on the ground of public health), the transposition is not compatible with the Directive, because Art. 18(2), which sets the restrictions for refusal, is not transposed. National Law provides that the alien shall be refused the issuance or replacement of a residence permit if his/her residence in the Republic of Lithuania may constitute a threat to public health and there are no articles, which set the restrictions regarding diseases as in the Directive. Also Art. 18(3) of LTR, which sets that diseases contracted after the first residence permit was issued in the second Member State shall not justify a refusal to renew the permit or expulsion from the territory is not transposed into Lithuanian law.

6.2 Practical application of the EU legal migration acquis

a. Use of the permit:

The residence permit is issued using the format as set out in Regulation (EC) No 1030/2002 for residence permits. The permit has a constitutive value. It gives third-country nationals to right to move freely on the Member State's territory.

Lithuania allows third-country nationals holding residence permits from other Member States applying the Schengen acquis (together with a valid travel document) to enter and move freely within its territory.

The permit is required as a legal document for the following administrative procedures:

Access to education	Access to healthcare	Registration with PES	Fixed telephone subscription	Utility subscription	Open a bank account	Social security registration
X	X	X	X	X	X	X

b. Renewals of the permit:

National legislation imposes an indirect requirement to renew a valid residence document. For example, holders of a family reunification permit must lodge an application at least two months before the expiry of their current residence permit; holders of a long-term residence permit must lodge an application at least one month before the expiry of the current residence permit.

The renewal process follows a single procedure, involving more than one authority. An application for renewal may be lodged to a Migration Division of a Territorial Police Office in the territory of which he/she is residing – with the exception of a third-country national who is applying for temporary residence permit as a qualified worker or on company ground and their family member, who submits his/her application to the Migration Department. Where the application is made of a work-related permit and the third-country national needs to pass a labour market test, then the decision on the work permit is taken by the Lithuanian Labour Exchange Office.

Thus, compared to the first application procedure, there are more authorities involved in the renewal procedure.

c. Change of status and naturalisation

In Lithuania, status changes are not possible, with the exception of highly qualified workers and employees. Indeed, Lithuanian legislative framework does not mention change of status but indicates that a third-country national legally staying in Lithuania may apply for a residence permit on other grounds provided that s/he meets the requirements. Exceptions exist only with regard to highly qualified workers and

employees. Third-country nationals who wish to change their current status to that of employee may do so only if they already are in possession of a valid temporary residence permit (issued on any ground) or a national visa issued for employment or on the ground of a conflict in the country of origin. The aliens entering under visas which have been issued on other grounds (not for employment) are not entitled to change their status to employee or highly qualified worker.

Therefore, in Lithuania, the procedure for requesting a status change is the same as the first application procedure.

In order to obtain citizenship, a third-country national needs to comply with the following conditions:

- legally and permanent resident in Lithuania for the last ten years;
- at the time of the application, he/she has the right of permanent residence in Lithuania;
- he/she has passed an examination in the state language;
- he/she has passed an examination in the fundamentals of the Constitution of the Republic of Lithuania;
- he/she has legal means of subsistence;
- he/she is a stateless person or a citizen of a state under the law of which he/she shall lose citizenship of that state on acquiring citizenship of the Republic of Lithuania, or expresses his will in writing to renounce his citizenship of another state after he is granted citizenship of the Republic of Lithuania.

d. Employment rights on the basis of the permit

In general, a work-related permit is linked to a certain employer. Therefore, when changing employer, the third-country national needs to request a change to the permit.

e. Equal treatment

No identified restrictions and/or obstacles for third-country nationals enjoying equal treatment compared to nationals were found in Lithuanian legislation.

With regard to identifying labour exploitation, Lithuania has a mechanism in place to monitor the exploitation of third-country nationals. This consists of controls operated by State Labour Inspectorate (Ministry of Social Security and Labour). Additionally, national legislation provides for various administrative sanctions related to offences to the labour and social rights, such as sanction for illegal work, for violations of labour laws, work safety and health requirements violations. Criminal sanctions are also foreseen against the employment of nationals from third countries who unlawfully stay in Lithuania.

There are no other specific measures in place to prevent labour exploitation of third-country nationals.

f. Integration:

Specific integration procedures and conditions do not apply to third-country nationals once established on the territory of the Member State. Third-country nationals have the possibility but are not obliged to participate to Lithuanian language courses. There are no consequences if the third-country national does not participate in these or fails them.

6.3 Differences between national statuses and the EU legal migration acquis

There are no differences between national and EU statuses.

7 Intra-EU mobility phase

7.1 Legal transposition of the EU legal migration acquis

Lithuania has poorly transposed intra-EU mobility phase related directives' provisions into its legislation. SD Art. 8 on the mobility of students and RD Art. 13 on mobility between Member States are not transposed into national legislation. National legislation does not explicitly stipulate that researchers who have been issued a permit in another Member States can work on their territory for up to three months without an additional work permit. In the same vein, BC Art. 18(1) on mobility conditions is not transposed into Lithuanian legislation and no time limit is set.

Art. 17(1), second subparagraph of LTR is not transposed into national law. Despite that para 1 of Article 35 (1) of the Aliens' Law providing that the alien shall be refused the issuance or replacement of a residence permit if his/her residence in the Republic of Lithuania may constitute a threat to national security, public policy, none of the articles requires that the severity or type of offence against public policy or public security committed by the long-term resident or his/her family member(s), or the danger that emanates from the person concerned, to be taken into account when taking a decision on an application for a residence permit.

Art. 21 of LTR is partially transposed into Lithuanian law. According to the LTR Directive, as soon as long-term residents have received the residence permit in the second Member State, they shall enjoy equal treatment in the areas and under the conditions referred to in Article 11 (i.e. equal treatment compared to nationals in areas of employment, education, social security, recognition of diplomas, Tax benefits, Access to goods and services, freedom of association and affiliation, free access to the entire territory of the Member State concerned). However, according to para 14 of Art. 40(1) of the Aliens' Law, TCNs holding a long-term resident status in other EU Member States are only granted a temporary residence permit in Lithuania. That will entail less favourable treatment than other third-country nationals granted long-term resident status in Lithuania. Indeed, third-country nationals holding a temporary residence permit do not enjoy equal treatment as nationals in the employment and social security sphere.

7.2 Practical application of the EU legal migration acquis

For short-term mobility, Lithuania:

- Does not require the third-country national to notify; and
- Does not require the third-country national to ask for authorisation.

7.3 Differences between national statuses and the EU legal migration acquis

There are no differences.

8 End of legal stay / leaving the EU phase

8.1 Legal transposition of the EU legal migration acquis

Lithuania transposed most of end of legal stay / leaving the EU phase related directives' provisions into its legislation.

However, there are also the following concerns:

- The transposition of Art 12(3) of LTR into Lithuanian law is considered partially conform as Lithuanian law does not require considering the age of a long-term resident and it does not require assessing the absence of links with the country of origin. As para A of Art. 22(1) of LTR directs to Art. 17, which is transposed partially into Lithuanian law, the transposition of para A of Art. 22(1) of LTR into Lithuanian law is also considered as only partially conforming.

- Art. 12(3a) and Art. 12(3b) regarding expulsion of long-term residents who are granted international protection in other EU Member States are not transposed into Lithuanian law.

8.2 Practical application of the EU legal migration acquis

There are specific procedures in place for third-country nationals who choose to leave Lithuania. These include:

- De-registration from national/local registers (but only when leaving Lithuania for a period exceeding six months).

Lithuania allows third-country nationals to export certain social security benefits, such as social security pensions. Third-country nationals' applications and other necessary documents related to the request to pay or prolong the payment of social security pensions may be directly submitted to the State Social Security Fund Council of the Foreign payments service. Diplomatic representations and consular establishments may mediate in the transfer of those documents.

Information on the portability of social security benefits is not easy to find and not clear.

A third-country national residing in Lithuania is allowed to be absent from the territory for a maximum of 180 days before s/he loses the residence permit and/or right to stay (365 days for LTR holders). The absence of third-country nationals is monitored by national authorities – the latter may check the reality of place of residence in Lithuania declared by a third-country national.

Lithuania does not have measures or a scheme in place to allow circular migration.

The consequences of deliberate overstay of the duration of the residence permit is that the stay of the concerned third-country national becomes illegal. If a third-country national overstays after a period of voluntary departure is issued, s/he will be subject to a removal decision. An exception is provided for third-country nationals holders of a EU long-term residence permit – as their stay remains legal even after the expiry of the permit as their permit has a declaratory nature.

8.3 Differences between national statuses and the EU legal migration acquis

No differences noted.

9 Main findings and conclusions – state of practical implementation of EU legal migration legislation in the Member State

In general, Lithuania has fully transposed most of the migration directives' provisions into its national legislation. But some remarks must be made:

It should be noted that more information and more coherent information is needed about immigration to Lithuania, particularly on social and economic rights of TCN's in Lithuania. This concerns all the directives.

Some concerns might be raised about the intra EU-mobility of third-country nationals, in particular that of students and researchers, as the mechanism under national legislation is poorly regulated and not clear, covered only by indirect general national legislation provisions. This might cause some practical application problems for third-country nationals holding a temporary residence permit to exercise their rights and obligations.

Fourth, Lithuania seems not to have transposed Art. 15(1) of FRD, therefore family members of legally residing third-country nationals may not be able to get autonomous residence permit after five years of residence.

Fifth, Lithuanian legal acts are not in conformity with LTR provisions regarding the term of continuous legal stay in the territory, as Lithuanian legal acts require to hold temporary residence permit during entire that period of five years and other grounds of legal stay (e.g. visa) are not sufficient.

Sixth, Lithuanian national legislation regarding national security and public policy might be amended profitably, as legislation does not set restrictions when and how to apply these national security and public policy provisions (relevant for the FRD and the LTR).

Annex 1 References

1. Law on the Legal Status of Aliens No. IX-2206;
2. Law on Citizenship
3. Law on the Right to Obtain Information from State and Municipal Institutions and Agencies

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